IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY THIRD DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 2934 of 2005

Between:

Akkadasari Saramma W/o. Narasimha, Hindu
Now under Order of suspension, Pannur Village, Marripudi Mandal, Prakasam District.

..... PETITIONER

AND

1 The Joint Collector, Ongole, Prakasam District.
2 The Revenue Divisional Officer, Kandukur, Prakasam District.
3 The Mandal Revenue Officer, Marripudi Mandal, Prakasam District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction more one in the nature of WRIT OF MANDAMUS declaring the action of the 1st respondent in not passing any orders on the stay petition filed by the petitioner along with the appeal No. Rc. No.52/ 2005 as illegal, arbitrary and violative of principles of natural justice and consequently suspend the proceedings of the 2nd respondent issued in Rc.F.2676/2004 dt. 22-12-2004 during the pendency of appeal No. Rc. S2- 2005 filed by the petitioner before the 1st respondent.

Counsel for the Petitioner: MR.M.SUBBA REDDY

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the admission stage made the following :

ORDER:

The petitioner was appointed as a dealer for the fair price shop at Pannur Village, Marripudi Mandal, Prakasam District. Her authorization was suspended by the 2nd respondent through his order, dated 22.12.2004. The allegation is that even while being a fair price shop dealer of that village, she has been doing Cooli work at Hyderabad. It was alleged that the shop was being run in benami. The further allegation is that the essential commodities were being sold at slightly higher prices. The petitioner preferred an appeal against the order of suspension together with an application for stay. Her grievance is that no orders have been passed in stay application and in the meanwhile she is disabled from functioning as dealer.

Heard learned counsel for the petitioner and learned Government Pleader for Civil Supplies.

Even according to the allegation contained in charge No.1, the petitioner is doing Cooli work at Hyderabad. It is also stated that she belongs to Scheduled Caste community. The petitioner states that she made a representation, in the year 1999, to the Mandal Revenue Officer informing him that she is likely to leave the village in search of livelihood and in such case, her brother-in-law may be permitted to discharge the functions of Dealer. It goes to indicate that the petitioner had to eke out her livelihood by undertaking Cooli work at different places. The representation was made way back in the year 1999. If the Mandal Revenue Officer was of the view that such a course of action is impermissible, he ought to have informed her of the same. Further, the order of suspension does not disclose as to the period during which she was absent. There are no allegations that she has diverted the essential commodities to black market.

Having regard to the social background of the petitioner and the necessity for which she had to leave the station, that too, after informing the Mandal Revenue Officer, this Court is of the view that the petitioner deserves to be granted interim orders. The delay in passing the interim orders by the 1st respondent had resulted in hardship to the petitioner.

For the foregoing reasons, the writ petition is disposed of, directing that the order of suspension passed by the 2nd respondent shall remain stayed, pending the disposal of the appeal by the 1st respondent. There shall be no order as to costs.

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23.02.2005

Note: Issue C.C. in three days.

(B/o)

Jsu
To

1 The Joint Collector, Ongole, Prakasam District.
2 The Revenue Divisional Officer, Kandukur, Prakasam District.
3 The Mandal Revenue Officer, Marripudi Mandal, Prakasam District.

4 2 CCs to the G.P. for Civil Supplies, High Court Buildings, Hyderbad. (OUT)

5 2 CD copies